

### **Remarks**

Reconsideration and reexamination of the above-identified patent application, as amended, are respectfully requested. Claims 1-10 and 13-17 are pending in this application upon entry of this Amendment. In this Amendment, the Applicant has amended claims 1, 3-4, 7, 13, and 15 and cancelled claims 11-12. No claims have been added in this Amendment. Of the pending claims, claims 1 and 13 are independent claims.

The Applicant has amended each of independent claims 1 and 13 to include limitations set forth in cancelled dependent claims 11-12 and to include other limitations in order to more clearly define the claimed invention over the cited prior art references.

### **Specification**

In the Office Action, mailed on December 4, 2003, the Examiner objected to the disclosure for not listing the serial numbers of co-pending applications. The Applicant has amended the specification accordingly.

### **Claim Rejections - 35 U.S.C. § 103**

The Examiner rejected claims independent claims 1 and 13 and dependent claims 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,608,447 issued to Farry et al. ("Farry") in view of U.S. Patent No. 5,572,517 issued to Safadi ("Safadi"). The Examiner rejected dependent claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Farry and Safadi as applied to claim 1 above, and further in view of U.S. Patent No. 5,559,995 issued to Dev et al. ("Dev").

As indicated above, the Applicant has amended independent claims 1 and 13 to include the limitations of cancelled dependent claims 11-12 and other limitations in order to more clearly define the claimed invention over the cited prior art references.

**1. The Claimed Invention**

Amended independent claim 1 provides a hybrid fiber coax (HFC) network having network elements operable for communicating telephony, data, and video signals with customer-premises equipment (CPE) of a given subscriber. Amended independent claim 13 provides an associated method for using the HFC network.

As set forth in amended independent claim 1, the HFC network includes a service, design, and inventory (SDI) database operable for storing data indicative of the configuration of the network elements and CPE of subscribers, assigned capacity of the network elements, and the physical and logical connections between the network elements themselves and with the CPE of the subscribers. The HFC network further includes an online provisioning application link (OPAL).

The OPAL is operable with the SDI database to access the stored data for automatically, without manual intervention, provisioning network elements with the CPE of a given subscriber based on the configuration of the network elements and the CPE of the given subscriber and based on the assigned capacity of the network elements such that the provisioned network elements and the CPE of the given subscriber are physically and logically connected in order to enable communication of telephony, data, and video signals between the HFC network and the CPE of the given subscriber. The SDI database is operable with the OPAL in order to automatically update, without manual intervention, the stored data indicative of the configuration of the network elements and the CPE of the subscribers, the assigned capacity of the network elements, and the physical and logical connections between the network elements themselves and with the CPE of the subscribers to account for the automated provisioning of the provisioned network elements with the CPE of the given subscriber.

## **2. The Claimed Invention Compared to Farry, Safadi, and Dev**

The claimed invention generally differs from any combination of Farry, Safadi, and Dev in that in the claimed invention 1) the OPAL is operable with the SDI database to automatically, without manual intervention, provision network elements with the CPE of a given subscriber using the data stored in the SDI database; and 2) the SDI database is operable with the OPAL to automatically update, without manual intervention, the stored data to account for the automated provisioning of the provisioned network elements with the CPE of the given subscriber. Neither Farry, Safadai, nor Dev, alone or in combination, teach or suggest these two claimed features taken together as a whole.

Accordingly, the Applicant believes that amended independent claims 1 and 13 are patentable under 35 U.S.C. § 103(a) in view of Farry, Safadi, and Dev. Claim 10 depends from amended independent claim 1 and includes the limitations therein. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 1, 10, and 13 under 35 U.S.C. § 103(a).

The Examiner rejected dependent claims 2 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Farry and Safadi as applied to claims 1 and 13 above, and further in view of U.S. Patent No. 5,513,171 issued to Ludwiczak ("Ludwiczak"). Claims 2 and 14 respectively depend from amended independent claims 1 and 13 and include the limitations therein. Thus, claims 2 and 14 are believed to be patentable under 35 U.S.C. § 103(a) in view of Farry, Safadi, and Ludwiczak and the Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 2 and 14 under 35 U.S.C. § 103(a).

The Examiner rejected claims 3 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Farry, Safadi, and Ludwiczak as applied to claims 2 and 14 above, and further in view of Dev. Claims 3 and 15 respectively depend from amended independent claims 1 and 13 and include the limitations therein. Thus, claims 3 and 15 are believed to be patentable under 35 U.S.C. § 103(a) in view of Farry, Safadi, Ludwiczak, and Dev and the

Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 3 and 15 under 35 U.S.C. § 103(a).

The Examiner rejected claims 4-7 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Farry, Safadi, Ludwiczak, and Dev as applied to claims 3 and 15 above, and further in view of U.S. Patent No. 4,972,453 issued to Daniel, III et al. ("Daniel"). Claim sets 4-7 and 16-17 respectively depend from amended independent claims 1 and 13 and include the limitations therein. Thus, claims 4-7 and 16-17 are believed to be patentable under 35 U.S.C. § 103(a) in view of Farry, Safadi, Ludwiczak, Dev, and Daniel and the Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 4-7 and 16-17 under 35 U.S.C. § 103(a).

The Examiner rejected claims 8-9 under 35 U.S.C. § 103(a) as being unpatentable over Farry and Safadi as applied to claim 1 above, and further in view of U.S. Patent No. 5,519,830 issued to Opoczynski ("Opoczynski") and U.S. Patent No. 6,137, 793 issued to Gorman et al. ("Gorman"). Claims 8-9 depend from amended independent claim 1 and include the limitations therein. Thus, claims 8-9 are believed to be patentable under 35 U.S.C. § 103(a) in view of Farry, Safadi, Opoczynski, and Gorman and the Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 8-9 under 35 U.S.C. § 103(a).

### CONCLUSION

In summary, claims 1-10 and 13-17, as amended, meet the substantive requirements for patentability. The case is in appropriate condition for allowance.. Accordingly, such action is respectfully requested.

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If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

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